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SUBJECT: OSCE GUIDANCE: PERMANENT COUNCIL DECISION TO
EXTEND PC DECISION 861

¶1. Post is authorized to join consensus on permanent council draft decision 5 of 2009 (PC DD/5/09) which extends the Permanent Council's decision number 861 of 19 August 2008. The text of the draft decision should read substantively along the lines of the following: "Decides to extend until 30 June 2009, its decision No. 861 of 19 August 2008, without prejudice to any further PC decision on the future OSCE presence." In addition, the DD may address the budgetary implications of the decision to extend the monitors.

¶2. Post may draw upon the following points to enter into the record an interpretive statement. Begin text:

"We support this decision as a temporary measure designed to provide more time to negotiate the future of an OSCE presence in Georgia, including in the regions of South Ossetia and Abkhazia. This presence should include an OSCE monitoring function.

We expect the Russian Federation to allow the Military Monitoring Officers (MMOs) to fulfill the full range of their responsibilities. This includes monitoring compliance with the August 12 and September 8 Cease Fire Agreements, to include delivery of humanitarian assistance.

We expect the Russian Federation to allow the Military Monitoring Officers full access to the whole of Georgia, with particular focus on the conflict zones, to include South Ossetia.

We expect Russian Federation officials and local militias to ensure protection of the monitors and to take measures to prevent harassment of and attacks on the MMOs, such as those which have occurred recently.

We expect the parties to the conflict to honor their commitment to withdraw to pre-August 7 lines; that is, the line where they were stationed prior to the beginning of hostilities, and all other commitment undertaken in the August 12, 2008 and September 8, 2008 Cease Fire agreements. In particular, the Russian Federation continues to maintain forces near the town of Perevi, in the Akhagori region, and in the Upper Kodori Valley, areas that were never controlled by Russia or the separatists prior to the August war. We also expect the Russian Federation to honor its commitment to provide full access for humanitarian operations throughout Georgia. Withdrawal of Russian forces to pre-August 6 lines will allow for the more rapid re-establishment of normal, civilian policing.

The United States reiterates that the Russian Federation remains responsible for protecting human rights and enforcing the rule of law in the regions where its troops continue to be deployed, and it must assume responsibility for the actions of the militia active in the South Ossetian region.

The United States endorses the view expressed by the OSCE Senior Legal Advisor that PC decision 861 of August 19, 2008 created an independent mandate for the twenty MMOs.

End text of interpretive statement.
CLINTON